

AMENDED IN ASSEMBLY AUGUST 18, 2005

AMENDED IN SENATE APRIL 21, 2005

**SENATE BILL**

**No. 288**

**Introduced by ~~Senator Ducheny~~ Senators Battin and Ducheny**  
(Principal coauthors: Assembly Members Baca, Benoit, Bogh, and Garcia)

February 16, 2005

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~~An act to amend Section 1942.3 of the Civil Code, to amend Sections 568.2 and 568.3 of the Code of Civil Procedure, and to amend Section 50710.1 of the Health and Safety Code, relating to tenancy. An act to amend Section 12716 of, and to repeal Section 12718 of, the Government Code, relating to gaming, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 288, as amended, ~~Ducheny~~ Battin. ~~Tenancy~~. Gaming.

(1) Existing law, in effect until January 1, 2009, establishes the method of calculating the distribution of appropriations from the Indian Gaming Special Distribution Fund for grants to local government agencies impacted by tribal gaming.

This bill would delete that date, thereby making those provisions operative indefinitely.

(2) Existing law requires each county that administers grants from the Indian Gaming Special Distribution Fund to provide an annual report to the Legislature by April 1 of each year, detailing the specific projects funded by all grants in that county's jurisdiction.

This bill also would require that report to be provided to the Department of Finance and the California Gambling Control Commission. The bill would also make technical, nonsubstantive changes to that provision of law.

*(3) Existing law authorizes funds within the Indian Gaming Special Distribution Fund to be used to provide grants to local government agencies impacted by tribal gaming.*

*This bill would appropriate \$20,000,000 from the Indian Gaming Special Distribution Fund for that purpose.*

~~(1) In an unlawful detainer action to recover possession of a dwelling from a tenant, existing law provides that when certain conditions exist, there is a rebuttable presumption that a landlord has breached habitability requirements.~~

~~This bill would include in the conditions described above instances when the dwelling is deemed substandard, as specified, and when the dwelling violates specified limits relating to lead hazards.~~

~~(2) Existing law provides that a court may appoint a receiver to take possession of property under a variety of circumstances. Existing law requires that a receiver of real property containing rental housing notify the court of an order or notice to correct substandard conditions, as specified. Existing law also permits a tenant of real property that is subject to receivership, a tenant association, or specified government agencies to file a motion in a receivership action for instructions from a court in regard to substandard conditions, as specified.~~

~~This bill would include in the provisions regarding substandard conditions, described above, violations of limits relating to lead hazards.~~

~~(3) Existing law creates a housing program for migratory workers, and provides that if specified operating costs are inadequate, the Department of Housing and Community Development may approve rents for certain migrant farm labor centers that are in excess of those at other migrant farm labor centers assisted by the Office of Migrant Services.~~

~~This bill would prohibit the department from increasing rents for residents of any Office of Migrant Services facility to a level that exceeds 30% of the average annualized household incomes of residents of the facility without specific legislative approval. The bill would also make a technical change.~~

Vote: majority. Appropriation: ~~no~~yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 12716 of the Government Code is*  
2     *amended to read:*

3     12716. Each county ~~which~~ *that* administers grants from the  
4     Indian Gaming Special Distribution Fund shall provide an annual  
5     report to the Legislature, *the Department of Finance, and the*  
6     *California Gambling Control Commission* by April 1~~st~~ 1 of each  
7     year detailing the specific projects funded by all grants in ~~their~~  
8     *the county's jurisdiction.*

9     *SEC. 2. Section 12718 of the Government Code is repealed.*

10    ~~12718. This chapter shall remain in effect only until January~~  
11    ~~1, 2009, and as of that date is repealed, unless a later enacted~~  
12    ~~statute that is enacted before January 1, 2009, deletes or extends~~  
13    ~~that date.~~

14    *SEC. 3. The sum of twenty million dollars (\$20,000,000) is*  
15    *hereby appropriated from the Indian Gaming Special*  
16    *Distribution Fund, in augmentation of Item 0855-101-0367 of*  
17    *Section 2.00 of the Budget Act of 2005, to provide for grants to*  
18    *local government agencies pursuant to Section 12715 of the*  
19    *Government Code.*

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22     **All matter omitted in this version of the bill**  
23     **appears in the bill as amended in Senate,**  
24     **April 21, 2005.**  
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